

Page 70, line 25, delete "actually".

REMARKS

Claims 13 through 26 are pending in the present application.

In parts 2 and 3 of the Office Action, the Examiner acknowledges the applicants' request to postpone necessary changes to the specification until the application is ready for allowance. Additionally, the Examiner reminds the applicants that they are required to modify the Brief Summary of the Invention, restrict descriptive matter to be in harmony with the claims and modify the Figures to remove extraneous subject matter. Again, in accordance with §1302.01 of the MPEP, it is requested that the Examiner postpone any requirement for any necessary changes until this application is in condition for allowance.

The applicants thank the Examiner for pointing out the errors in the amendment to the specification attempted in the previous response. The current response properly corrects the specification to put the specification in better form.

Claim 22 is rejected under 35 USC §102(b) as being anticipated by Collins, Jr. This rejection is respectfully traversed.

A Preferred Embodiment of the Invention

One example of the invention is illustrated in the Figures 10 and 11 of the present application. A cart section 101 and basket member 102 serve as an accommodation section for shopping cart 100. Additionally, a scanner 57, a communication section 53, a display section 54 and a keyboard section 55 are fixed to the transportable accommodation section. Claim 22 broadly reflects this detailed embodiment, reciting that "said commodity code reading section, said magnetic card reading section and said commodity price retrieval section are fixed to said transportable accommodation section."

Collins, Jr

Figure 1 of Collins, Jr illustrates a checkout system including a portable scanning terminal 44 which is removably mounted on the handles 46 of adjacent grocery cart 48 and 50. A checkout operator 54 will mount the scanning unit 44 on the handles in such a manner to allow the operator or the customer to checkout the merchandise items located in the grocery cart 50.

In a second embodiment of Collins, Jr, illustrated in Figures 3 and 5, support member 68 is rigidly mounted to handle 46 and handle support member 76. As stated in column 4, line 63 through 66, scanning terminal 44 is mounted between carts 48 and 50 in the manner

similar to the first embodiment. The Examiner's attention is directed to the abstract which states that this second embodiment provides a support member removably mounted to the handle of a grocery cart containing purchased merchandise items. Additionally, column 1, lines 34 through 36 further emphasize that the scanning terminal is removably mounted.

The Examiner alleges that Collins, Jr teaches a commodity code reading section, a magnetic card reading section and a commodity price retrieval section fixed to the transportable accommodation section. However, as pointed out above, Collins, Jr clearly teaches that the scanning terminal is "removably mounted." **"Fixed" is defined in the American Heritage Dictionary (2d.) as "1. firmly in position; stationary ... 3. not subject to change or variation; constant."** Because the scanning terminal taught by Collins, Jr is not firmly in position and is subject to change, the scanning terminal is not "fixed."

Because Collins, Jr fails to teach or suggest the invention recited by claim 22, it is respectfully requested that the Examiner reconsider and withdrawal this rejection.

Claims 13 through 21 and 23 are rejected under 35 USC §103 as being unpatentable over Collins, Jr. This rejection is respectfully traversed.

Claims 13 through 21 require a commodity code reading section, a prepaid card inputting processing section, a commodity price retrieval section and a data updating section

fixed to a transportable accommodation section. In addition, claim 23 requires a commodity code reading section, a magnetic card reading section and a commodity price retrieval section fixed to a transportable accommodation section.

As shown above, Collins, Jr specifically teaches away from such construction, teaching an optical scanning device which is removably mounted to a grocery cart. Because Collins, Jr fails to teach the invention as recited by the claims, it is respectfully requested that the Examiner reconsider and withdrawal this rejection.

Claims 24 through 26 are rejected under 35 USC §103 as being unpatentable over Collins, Jr in view of Ehrat. This rejection is respectfully traversed.

Ehrat

Figure 13 of Ehrat illustrates a check-out station 4 including contact position 96 to which an appliance connector 95 of purchase trolley 2 may be connected. As the customer arrives with the trolley at the check-out station 4, contact between the appliance connection 95 on the trolley and contact position 96 is established to transfer article designation to check-out station 4. The amount to paid is commuted and indicated on panel 4c.

The trolley may include a container in which the customer places articles including means for reading the data applied to each article as it is placed or removed from the container.

Ehrat is similar to Collins, Jr in that it does not allow a consumer to purchase commodities when selecting the commodity; both references teach the purchase of the commodities at a checkout station with a checkout operator. On the other hand, because one embodiment of the invention contemplates a commodity code reading section, a magnetic card reading section and a commodity price retrieval section fixed to the transportable accommodation section (as required by claims 24 through 26) a consumer may purchase the commodity as the consumer selects the commodity. Both Ehrat and Collins, Jr fail to teach or suggest such structure. Consequently, Ehrat and Collins, Jr fail to achieve the advantages of the present invention.

Because the prior art fails to teach or suggest the invention recited by claims 24 through 26, it is respectfully requested that the Examiner reconsider and withdrawal this rejection.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney, at the telephone number indicated below, to arrange for an interview to expedite the disposition of this case.

In the event this response is not timely filed, the applicants petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN, HATTORI
McLELAND & NAUGHTON

A handwritten signature in black ink, appearing to read "Patrick D. Muir". The signature is stylized with a large "P" and "M".

Patrick D. Muir
Attorney for Applicants
Registration No. 37,403

Atty. Docket No. 940494A
Suite 1000 - 1725 K Street, N. W.
Washington, D. C. 20006
Tel (202) 659-2930
FAX (202) 887-0357

PDM:ml

Enclosure: Definition of "Fixed"